

**Civilian Personnel  
Labor-Management Relations**

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**Summary.** Joint Readiness Training Center (JRTC) and Fort Polk (FP) Regulation 690-4 establishes local policies, procedures, and guidance applicable to Labor-Management relations within Fort Polk in order to promote effect, equitable, and uniform implementation of the policies, rights, and responsibilities prescribed in the Federal Service Labor-Management Relations Statute, Department of Defense, and Department of the Army regulations.

**Applicability.** This regulation applies to all Fort Polk employees (appropriated and nonappropriated fund) and all military and civilian management officials and supervisors serviced by the Civilian Personnel Advisory Center and subject to the provisions of the Federal Service Labor-Management Relations Statute.

**Proponent and Exception Authority.** The proponent agency for this regulation is the Civilian Personnel Advisory Center. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation.

**Supplementation.** Supplementation and establishment of command publications and local forms are prohibited without prior approval from the Directorate of Information Management (DOIM),

Administrative Services Division, Building 330, Suite 111, 1820 Corps Road, Fort Polk, Louisiana 71459-0908.

**Suggested Improvements.** Users of JRTC & FP Regulation 690-4 are invited to send comments and suggested improvements on Recommended Changes to Publications and Blank Forms (Department of the Army (DA) Form 2028) directly to the Directorate of Civilian Personnel, Fort Polk, Louisiana 71459-5000.

FOR THE COMMANDER:

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**Contents (listed by paragraph number)**

**1. References.**

- a. The Federal Service Labor-Management Relations Statute.
- b. Department of Defense Civilian Personnel Manual, Chapter 711, Labor-Management Relations.
- c. Army Regulation 690-700, Chapter 711, Labor-Management Relations.

**2. Explanation of Terms.** For the purpose of this regulation, the following definitions apply:

- a. Federal Service Labor-Management Relations Statute. Prescribes the basic representational rights and obligations of agencies and labor organizations in the Federal service and establishes procedures which are designed to meet the special requirements and needs of the Government.

- b. Labor organization (Union). An organization composed in whole or in part of employees in which employees participate and pay dues, and which serves the purpose of dealing with management concerning grievances and conditions of employment.

- c. Exclusive Representative. An employee organization which has been elected by the employees of a bargaining unit. It is the only organization which is entitled to act for and to negotiate agreements for all employees in the unit.

- d. Negotiated Agreement (Contract). A written agreement between an employer (agency) and a union, defining conditions of employment; rights of employees, union, and management; and procedures to be followed in settling disputes over the application of the contract.

e. **Bargaining Unit.** The positions, and employees in them, whom the union may represent in collective negotiation with management. The unit includes both members and non-members of the union; a group of employees with a clear and identifiable community of interest and which promotes effective dealings and efficiency of operations.

f. **Consultation.** The process whereby one party solicits the views of the other party on appropriate matters and gives the views consideration prior to reaching and implementing decisions.

g. **Negotiation.** The performance of the mutual obligations of the employer and exclusive representative to meet at reasonable times, to consult and bargain in good faith, and to execute a written agreement with respect to terms and conditions of employment. This obligation does not compel either party to agree to proposals or to make concessions.

h. **Employee.** Any individual employed by an agency not including a supervisor or management official, a member of the uniformed services, or any person who participates in a strike in violation of the Federal Service Labor-Management Relations Statute.

i. **Supervisor.** Any individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, lay-off, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment.

j. **Management Official.** An individual employed by an agency in a position with duties and responsibilities, which require or authorize the individual to formulate, determine, or influence the policies of the agency.

k. **Professional Employee.** An employee engaged in the performance of work which:

(1) Requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or training in the performance of routine mental, manual, mechanical, or physical activities).

(2) Requires consistent exercise of discretion and judgment in its performance.

(3) Is predominantly intellectual and varied in character.

(4) Is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time.

l. **Confidential Employee.** An employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

m. **Conditions of Employment, (Working Conditions).** Personnel policies, practices, and matters whether established by rule, regulation, or otherwise, affecting working conditions. It does not include policies, practices, and matters relating to prohibited political activities, to the classification of any position, or to the extent the matters are specifically provided for by Federal statute.

### **3. Policy.**

a. It is the policy of this installation that civilian employees have the right to form, join, and assist any lawful labor organization or to refrain from any such activity freely and without fear of penalty or reprisal and each employee shall be protected in the exercise of such right. The right to assist a labor organization includes:

(1) The right to act for a labor organization in the capacity of a representative.

(2) The right to present the views of the labor organization as a representative.

(3) The right to engage in collective bargaining with respect to conditions of employment through representatives chosen by employees in accordance with the provisions of the Federal Service Labor-Management Relations Statute.

b. No employee, however, shall engage in any activities as an officer or agent of a labor organization which conflict, give the appearance of conflicting, or are incompatible with the proper exercise of his official duties or responsibilities.

c. Employee participation in the formulation and implementation of personnel policies and practices affecting the conditions of their employment is recognized as safeguarding the public interest and contributing to the effective conduct of public business.

### **4. Responsibilities.**

a. **Director of Civilian Personnel Advisory Center.** The Director of Civilian Personnel Advisory Center has been designated as the principal point of contact for conducting business with labor organizations and has the responsibility for ensuring that an effective labor-management relations program is carried out by:

(1) Implementing the requirements of laws, executive orders, and regulations pertaining to labor-management relations at the installation.

(2) Ensuring that necessary preparations and coordination have taken place prior to negotiating a contract with a union.

(3) Conducting inquiries into unfair labor practice charges and seeking informal resolutions.

(4) Interpreting at the local level the provisions of negotiated agreements.

(5) Providing information and assistance to supervisors and management officials regarding their labor relations responsibilities.

(6) Coordinating the preparation of installation contingency plans.

(7) Monitoring the use of official time for representational purposes.

(8) Evaluating the effectiveness of the Labor Relations Program.

(9) Ensuring that provisions of applicable negotiated agreements are followed in effecting changes to personnel policies, practices, or other matters affecting conditions of employment of unit employees.

b. Management Officials and Supervisors. Management officials and supervisors, both military and civilian, are responsible for:

(1) Informing and/or consulting in good faith with union stewards concerning personnel policies and practices; personnel implications of management decisions; or other matters affecting conditions of employment within the work area.

(2) Notifying the Civilian Personnel Advisory Center of contemplated changes to installation-wide, command-wide, or directorate-wide conditions of employment prior to implementation.

(3) Maintaining a neutral attitude toward bargaining unit employees, employee representatives, and unions.

(4) Reporting significant union activities (e.g., allegations of unfair labor practices, threats of sickouts, slowdowns, and picketing) and contacts with union representatives to the Civilian Personnel Advisory Center, telephonically or in writing.

(5) Serving on the management negotiating team or providing necessary data and feedback to the management negotiating team, upon request.

(6) Familiarizing themselves with and abiding by the terms of the negotiated agreement covering their employees.

(7) Developing contingency plans for the continuation of work operations in the event of work stoppage, slowdowns, or strikes.

(8) Submitting official-time reports detailing the amount of time spent by each Union officer and/or steward on approved union activities to the Civilian Personnel Advisory Center.

(9) Notifying the Employee Relations Specialist assigned to their organization immediately upon being advised of an employee's desire to file a grievance.

(10) Ensuring that union officers and stewards follow the provisions of the negotiated agreement and established rules when conducting labor-management relations and labor organization business while in their area of responsibility.

(11) Preparing official memorandums for record of discussions held with union officials stating the date, time, subject, parties present, issue involved, relief sought (as applicable), positions of the parties, and decisions and/or agreements reached for future references. In this regard, memorandums are required to document grievance discussions, consultations, negotiations, and notification requirements as outlined in negotiated agreements.

c. Labor Relations Steering Committee. The Labor Relations Steering Committee is responsible for ensuring a fully coordinated management effort, in support of contract negotiations and providing the necessary Input to the Command Negotiating Team.

d. Command Negotiating Team. The Command Negotiating Team is responsible for becoming thoroughly informed concerning those matters to be negotiated and being prepared to effectively represent the commander and tenant activity commanders during the negotiation process.

e. Installation Labor Law Counselor. The Installation Labor Law Counselor is responsible for providing, upon request, advice and assistance to the Civilian Personnel Advisory Center on matters such as union contacts involving attorneys; representation during third party proceedings; legal assistance and advice, as requested, to the Labor Relations Steering Committee and the Command Negotiating Team; management training; review of labor relations policies and procedures; and preparation of briefs and recommendations for judicial review of Federal Labor Relations Authority (FLRA) decisions.

f. Employees. Employees assigned to an organization covered by a negotiated agreement are responsible for complying with the provisions of the applicable negotiated agreement and all laws, rules, regulations, procedures, and policies of the Department of the Army and other appropriate authorities that pertain to their employment and are not included in the negotiated agreement.

## **5. General.**

a. Solicitation and Membership Support. Employees and non-employees who desire to conduct a membership drive and/or solicit membership or distribute literature on behalf of or in opposition to a labor organization on the premises of this installation will submit their request to the (Commander, Joint Readiness Training Center (JRTC) and Fort Polk, ATTN: Civilian Personnel Advisory Center, Fort

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Polk, Louisiana 71459-5000. Such requests should include, at a minimum, the following information:

- (1) Proposed dates (duration) of membership drive.
- (2) Specific locations where drive is proposed.
- (3) Names of employees who will be involved.
- (4) Names of non-employees who will be involved.

b. Use of Official Time.

(1) Those activities which union officers and stewards may appropriately engage in during duty hours without charge to leave or loss of pay have been included in the appropriate negotiated agreements. Only the activities specifically enumerated may be engaged in during duty hours. Those union activities concerned with organizing efforts and the internal management of labor organizations may be conducted only during non-work time and in the non-work areas of the employees involved. Such activities include, but are not limited to, solicitation of membership, dues collection, circulation of petitions, campaigning for union office, and distribution and posting of union literature.

(2) In order to account for the usage of official time, supervisors of union officers and stewards are required to ensure the completion of official time reports as prescribed by the applicable negotiated agreement. Completed official time reports must be submitted to the Civilian Personnel Personnel Advisory Center not later than Monday of each workweek.

c. Management-Initiated Grievances/Unfair Labor Practice Charges Against the Union.

(1) When a management official or supervisor finds that a union officer or steward has engaged in an activity prohibited by the terms of a negotiated agreement or the Federal Service Labor-Management Relations Statute, the management official or supervisor will immediately document the violation providing the specifics to include time, date, place, parties involved, a description of the incident, and alleged violation. This information should be forwarded through the director to the Civilian Personnel Advisory Center, Labor Relations.

(2) Upon examination of the facts, the Director of Civilian Personnel Advisory Center will refer the matter to the commander or tenant activity commander for a determination as to whether or not a Command grievance or unfair labor practice charge should be filed. Neither management officials nor supervisors are authorized to file Command grievances or unfair labor practice charges against the union. All Command grievances and unfair labor practice charges must be filed by the appropriate commander, or designee.

d. Job Actions (strike, work stoppage, slowdown, sick-out, or picketing except for informational picketing). Directors, managers, and supervisors will, when there is reason to believe that employees may be engaging in a prohibited job action, take the following actions:

(1) Refer to the Joint Readiness Training Center (JRTC) and Fort Polk Job Actions Contingency Plan.

(2) Telephonically contact the Chief, Labor/Management- Employee Relations and Training Division (LMERT), immediately (telephone 531-1842) describing the situation fully and describing any changes in conditions.

(3) Complete a Supervisor's Data Sheet for Recording Job Action Participation Information (contained in JRTC and Fort Polk Job Actions Contingency Plan) for recording job action participation on each employee supervised, and observe and document observations.

(4) Upon receipt of instructions from the Civilian Personnel Advisory Center, advise employees with regard to reporting to work.

(5) Refer all inquiries from the news media to the Public Affairs Office.

(6) implement plans for continuing work operations.

e. Union Representation.

(1) An exclusive representative of an appropriate unit will be given the opportunity to be represented:

(a) At any formal discussion between one or more representatives of the agency and one or more employees in the unit or their representatives concerning any grievance or any personnel policy or practice or other general condition of employment.

(b) At any examination of a unit employee by a representative of the agency in connection with an investigation if the employee reasonably believes that the examination may result in disciplinary action against the employee, and the employee requests representation.

(2) The following criteria will dictate the presence of a union representative at the examination of an employee:

(a) The employee must reasonably believe that the examination may result in disciplinary action being taken against him.

(b) The employee must request representation.

(c) The right to representation does not apply to everyday work-related communications between supervisors and employees or to discussions concerning job performance.

(d) If the employee reasonably believes that the examination may result in disciplinary action being taken against him and requests representation, the supervisor must grant the representation or decline to

continue the examination of the employee and pursue the investigation through other sources.

(3) The Director of Civilian Personnel Advisory Center will inform employees annually of their right to representation at an examination.

f. Matters Appropriate for Consultation and Negotiation. Subjects appropriate for consultation and/or negotiation, including the procedures that must be followed in effecting changes to conditions of employment, are specifically set forth in applicable negotiated agreements. In order to enhance the labor-management relationship, reduce the frequency of failure to bargain unfair labor practice allegations, lessen the establishment of undesirable precedents, and preserve management's rights, the following procedure will be observed by all managers and supervisors when a change in a personnel policy, practice, or other matter affecting working conditions is anticipated:

(1) The proposed change should be reduced to writing and forwarded to the Civilian Personnel Advisory Center, ATTN: Labor Relations. Documentation must include the following:

- (a) A description of the current policy or practice.
- (b) A description of the proposed change.
- (c) Reason(s) for the, proposed change.
- (d) Benefits to be derived from implementation of the proposed change.
- (e) Effects of failure to implement the proposed change.
- (f) The proposed effective date.

(2) Upon receipt of the proposed change with accompanying documentation, the Civilian Personnel Advisory Center will determine the extent of the Command's obligation and advise the proposing official accordingly.

(3) After consideration of the contractual obligations, the proposing official will advise the Civilian Personnel Advisory Center, in writing, if the change is to be implemented.

(4) In cases where there is an obligation to negotiate, approval must be obtained from the Garrison Commander or tenant activity commander.

(a) If approval is granted, the Command's negotiating team will proceed with negotiations.

(b) If approval is not granted, the proposal will be returned to the proposing official.

(5) In cases where there is no obligation to negotiate, specific guidance will be provided by the Civilian Personnel Advisory Center.

g. Labor Organization Inquiries.

(1) Correspondence and inquiries initiated by national representatives or local officers and stewards representing a labor organization must receive

prompt attention by management officials and supervisors.

(2) The following procedure will apply in the processing of all labor organization correspondence and inquiries:

(a) Written inquiries initiated by national representatives or local officers representing a labor organization must be hand carried to the Civilian Personnel Advisory Center, ATTN: Labor Relations, for appropriate action.

(b) Telephonic inquiries from national representatives or local officers must be reduced to writing and hand carried to the Civilian Personnel Advisory Center, ATTN: Labor Relations.

(c) Telephonic requests for meetings from national representatives or local officers must be referred to the Civilian Personnel Advisory Center, ATTN: Labor Relations. Telephone callers should be informed that their requests will be referred to the Civilian Personnel Advisory Center, Labor Relations.

(d) As needed, the Civilian Personnel Advisory Center will request information from management officials and supervisors. Upon receipt of a request for information, management officials and supervisors must ensure that the information addresses all issues surface and that it is factual, complete, and provided in a timely manner.

(3) Correspondence and inquiries initiated by area stewards should receive prompt attention by the organization head. Information provided must be factual, complete, and provided in a timely manner.

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